

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE RUIZ DUARTE,

Defendant.

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4:18CR3083

**MEMORANDUM
AND ORDER**

This matter is before the court on the Findings and Recommendation filed by Magistrate Judge Cheryl R. Zwart on November 30, 2018 (Filing No. 31). Judge Zwart recommends that the Defendant's Motion to Dismiss (Filing No. 19) be denied in its entirety. Defendant's counsel represents to the court by email that no objections to the Findings and Recommendation will be filed, making this matter ripe for decision under 28 U.S.C. § 636(b)(1).

I find and conclude after de novo review that Judge Zwart has correctly found the facts and applied the law. Her Findings and Recommendation therefore will be adopted, and the Defendant's Motion to Dismiss will be denied in all respects.

IT IS ORDERED:

1. The Magistrate Judge's Findings and Recommendation (Filing No. 31) are adopted.
2. The Defendant's Motion to Dismiss (Filing No. 19) is denied in all respects.

DATED this 10th day of December, 2018.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge